

### **DETAILED ACTION**

1. This communication is in response to Applicant's communication filed on September 12, 2008. Applicants are requested to note the Examiner's new art unit number (**AU 3695**) in their reply to this notice of allowance. Amendments to claims 2-12, 20, 43-44, cancellation of claims 1, 37-38 and addition of new claims 45-50 have been entered. Rejections made in the last office action have been withdrawn in view of the amendments. Claims 2-20 and 39-50 are pending in this application.

#### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Magill et al. US Pub. No.2004/0143542 in view of Gianakouros et al. US Patent 7,035,819 B1) teaches a computer-implemented method, a computer-implemented system and a computer readable medium for matching a buy order having a buy order price and a sell order having a sell order price, the method comprising the steps of identifying an NBBO price range, said NBBO price range having a best offer price and a best bid price; determining if said buy order price and said sell order price are within said NBBO price range; and determining if said buy order price is not less than said sell order price.

Even though, the prior art of record teaches a computer-implemented method, a computer-implemented system and a computer readable medium for matching a buy order having a buy order price and a sell order having a sell order price for performing the above mentioned steps, the prior art of record fails to teach the steps wherein when said buy order price is not within said NBBO price range and said sell order price is within said NBBO price range, changing said buy order price to a changed buy order price that is equal to said best offer price,

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calculating a midpoint between said changed buy order price and said sell order price and matching said buy order and said sell order at said midpoint. For these reasons claims 2, 45 and 48 are deemed to be allowable over the prior art of record, and claims 5-20, and 39-44 are allowed by way of dependency on the allowed claims.

The prior art of record (Magill et al. US Pub. No.2004/0143542 in view of Gianakouros et al. US Patent 7,035,819 B1) teaches a computer-implemented method, a computer-implemented system and a computer readable medium for matching a buy order having a buy order price and a sell order having a sell order price, the method comprising the steps of identifying an NBBO price range, said NBBO price range having a best offer price and a best bid price, determining if said buy order price and said sell order price are within said NBBO price range, and determining if said buy order price is not less than said sell order price.

Even though, the prior art of record teaches a computer-implemented method, a computer-implemented system and a computer readable medium for matching a buy order having a buy order price and a sell order having a sell order price for performing the above mentioned steps, the prior art of record fails to teach the steps wherein when said sell order price is not within said NBBO price range and said buy order price is within said NBBO price range, changing said sell order price to a changed sell order price that is equal to said best bid price, calculating a midpoint between said changed sell order price and said buy order price and matching said buy order and said sell order at said midpoint. For these reasons claims 3, 46 and 49 are deemed to be allowable over the prior art of record, and claims 5-20, and 39-44 are allowed by way of dependency on the allowed claims.

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The prior art of record (Magill et al. US Pub. No.2004/0143542 in view of Gianakouros et al. US Patent 7,035,819 B1) teaches a computer-implemented method, a computer-implemented system and a computer readable medium for matching a buy order having a buy order price and a sell order having a sell order price, the method comprising the steps of identifying an NBBO price range, said NBBO price range having a best offer price and a best bid price, determining if said buy order price and said sell order price are within said NBBO price range, and determining if said buy order price is not less than said sell order price.

Even though, the prior art of record teaches a computer-implemented method, a computer-implemented system and a computer readable medium for matching a buy order having a buy order price and a sell order having a sell order price for performing the above mentioned steps, the prior art of record fails to teach the steps wherein when said buy order price and said sell order price are not within said NBBO price range, changing said buy order price to a changed buy order price that is equal to said best offer price, changing said sell order price to a changed sell order price that is equal to said best bid price, calculating a midpoint between said changed buy order price and said changed sell order price and matching said buy order and said sell order at said midpoint. For these reasons claims 4, 47 and 50 are deemed to be allowable over the prior art of record, and claims 5-20, and 39-44 are allowed by way of dependency on the allowed claims.

**4.** Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are listed on the enclosed PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached at (571) 272-6771. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/  
Primary Examiner  
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October 1, 2008